

**SIXTY-NINTH DAY.**

Senate Chamber,  
Austin, Texas,  
May 13, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Prayer by Rev. Holt, Chaplain of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports**

(See Appendix.)

**Senator Excused.**

Senator Purl was excused for the day on account of important business, on motion of Senator Poage.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 12, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 72 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 241 by a vote of 67 yeas and 58 nays.

The House has concurred in Senate amendments to H. B. 258 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 964, A bill to be entitled "An Act releasing the inhabitants of and property in Orange county from the payment of taxes levied for State purposes for a period of twenty-five (25) days, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. J. R. No. 6, by a vote of 108 yeas and 2 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. C. R. No. 45. The following are conferees on the part of the House:

DeWolfe, Howsley, McCombs, McGreagor, Johnson of Dimmit.

The House has adopted the following resolution:

H. C. R. No. 63, Authorizing the Enrolling Clerk of the House to correct the caption of H. J. R. No. 6.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

S. B. No. 259, with amendments  
as substituted by H. B. No. 509 as  
amended. A bill to be entitled  
"An Act making appropriation for  
the support and maintenance of the  
State Government for the two year  
period beginning September 1, 1931,  
and ending August 31, 1933, and for  
other purposes, and prescribing cer-  
tain regulations and restrictions in  
respect thereto, and declaring an  
emergency."

The House adopted the Free Con-  
ference Committee Report on H. B.  
No. 1019 by a vote of 111 yeas and  
1 nay.

The House has concurred in Senate  
amendments to H. B. No. 907 by a  
vote of 103 yeas, 0 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 1036.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 1036, A bill to be entitled  
"An Act amending House bill No. 97,  
passed by the Fourth Called Session  
of the Forty-first Legislature, Chap-  
ter 23, page 43, of the Fourth and  
Fifth Called Sessions of the Forty-  
first Legislature, repealing all laws  
in conflict with this act, and declar-  
ing an emergency."

The bill was read second time and  
passed to third reading.

On motion of Senator Hornsby the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 1036 was  
put on its third reading and final  
passage, by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Rawlings.

Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Cneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

#### Bills Signed.

The Chair, Lieutenant Governor  
Edgar E. Witt, gave notice of sign-  
ing, and did sign, in the presen-  
ce of the Senate, after their cap-  
tions had been read, the following bills  
and resolutions:

H. B. No. 12.	H. B. No. 453.
H. B. No. 81.	H. B. No. 619.
S. B. No. 72.	H. J. R. No. 12.
H. C. R. No. 62.	

#### House Bill Referred.

H. B. No. 964 referred to Com-  
mittee on Mining, Irrigation, and  
Drainage.

#### H. J. R. No. 6.

The Chair laid before the Senate  
on its third reading the following  
bill:

H. J. R. No. 6, Proposing an  
amendment to Article VIII of the  
Constitution of the State of Texas by  
adding thereto Section 1a; exempting  
all homesteads from taxation except  
so much thereof as exceeds two  
thousand dollars in valuation.

Read third time and finally passed  
by the following vote:

**Yeas—29.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—1.**

Holbrook.

Absent.

Purl.

**Motion to Print.**

Senator Woodward called up the motion spread on the Journal to, print on minority report H. B. No. 331. The motion was lost by the following vote:

**Yeas—8**

Cousins.	Neal.
DeBerry.	Oneal.
Hornsby.	Poage.
Moore.	Woodruff.

**Nays—14.**

Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Rawlings.
Hopkins.	Russek.
Martin.	Stevenson.
Parr.	Woodward.

**Absent.**

Beck.	Small.
Hardin.	Williamson.

**Absent—Excused.**

Purl.

**(Pairs Recorded.)**

Senator Berkeley (present) who would vote yea, Senator Loy (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Thomason (absent) who would vote yea.

Senator Woodward moved to reconsider the vote by which the motion was lost.

Senator Martin moved to table the motion.

Senator DeBerry moved to recess until 2 o'clock p. m. The motion was lost by the following vote:

**Yeas—12.**

Berkeley.	Moore.
Cousins.	Oneal.
Cunningham.	Patton.
DeBerry.	Poage.
Hardin.	Woodruff.
Hornsby.	Woodward.

**Nays—14.**

Gainer.	Parrish.
Greer.	Pollard.
Holbrook.	Rawlings.
Hopkins.	Russek.
Martin.	Stevenson.
Neal.	Williamson.
Parr.	Woodul.

**Absent.**

Beck.	Thomason.
Small.	

**Absent—Excused.**

Loy.	Purl.
------	-------

Senator Woodward withdrew the motion to reconsider.

**Senate Bill No. 476.**

Senator Neal called up the motion spread on the Journal to reconsider the vote by which S. B. No. 476 was finally passed.

**Recess.**

On motion of Senator Russek, the Senate, at 12:33 o'clock p. m., recessed until 2:30 o'clock p. m.

**After Recess.**

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 476.**

The question recurred upon the motion to reconsider the vote by which S. B. No. 476 was finally passed.

On motion of Senator Neal the motion to reconsider was tabled.

**House Bill No. 367.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 867, A bill to be entitled "An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas, of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run; and declaring an emergency."

Read second time.

On motion of Senator Small, the bill was laid on the table subject to call.

#### S. J. R. No. 10.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Woodul:

S. J. R. No. 10, Proposing an amendment to Section 23 of Article IV of the Constitution of the State of Texas, increasing the salary of the Comptroller, Treasurer and the Commissioner of the General Land Office to Seven Thousand Five Hundred (\$7,500.00) Dollars per annum providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Read third time and finally passed by the following vote:

#### Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Nays—1.

DeBerry.

#### Absent—Excused.

Purl.

#### S. J. R. No. 11.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Woodul:

S. J. R. No. 11, Proposing an amendment to Section 22 of Article IV of the Constitution of the State of Texas, fixing the salary of the Attorney General at Ten Thousand (\$10,000.00) Dollars a year; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making appropriation therefor.

Read third time and finally passed by the following vote:

#### Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

#### Nays—2.

DeBerry.

Woodruff.

#### Absent—Excused.

Purl.

#### H. J. R. No. 21.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 21, Proposing to amend Section 14 of Article 8 of the Constitution and to abrogate Section 16 of said Article 8, so that each county shall elect only one person as the assessor and collector of taxes.

Read second time and passed to third reading by the following vote:

#### Yeas—30.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.

Stevenson. Woodruff.  
Thomason. Woodul.  
Williamson. Woodward.

Absent—Excused.

Purl.

### House Bill No. 508.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 508, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas, State Experimental Station; the North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; the University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; the Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf, for years beginning September 1, 1931, and ending August 31, 1933, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The committee substitute was adopted by the following vote:

Yeas—26.

Cousins.	Oneal.
Cunningham.	Beck.
Gainer.	Berkeley.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.

Stevenson. Woodruff.  
Thomason. Woodul.  
Williamson. Woodward.

Nays—3.

DeBerry. Poage.  
Loy.

Absent.

Hopkins.

Absent—Excused.

Purl.

Senator Beck sent up the following amendments:

Amend Committee Substitute H. B. No. 508, page 44: between lines 28 and 29 by inserting the following, "Associate professor, \$2,500.00" each year;

Amend Committee Substitute H. B. 508, page 36: between lines 16 and 17 by inserting the following, "Assistants, \$4000.00" each year;

Amend Committee Substitute H. B. 508, page 47, line 25: by striking out the figures "\$4,000.00" and inserting in lieu thereof "\$5,000.00" and by adding "s" to "Acquisition" and changing the totals to conform;

Amend Committee Substitute H. B. No. 508, page 61, line 42: by striking out "\$200.00" and inserting in lieu thereof "\$1,200.00;"

Amend Committee Substitute H. H. No. 508, page 14, line 30: by striking out "\$750.00" each year and inserting "\$7,500.00" each year;

Amend Committee Substitute H. B. No. 508, page 39; by inserting between lines 47 and 48 the following, "For making mineral survey of Llano and adjoining counties and all expenses incident thereto and for printing reports thereon, \$10,000.00" for each year.

BECK.

Read and adopted.

Senator Moore sent up the following amendments:

Amend Committee Substitute to H. B. No. 508 by adding a new line between lines 58 and 59, page 53 of the printed bill the following:

"Professor and dean of college, \$3,600.00 and \$3,600.00."

MOORE.

Read and adopted.

Amend Senate amendment to H. B. No. 508 by adding a new section as follows:

Sec. No. 4. Hereafter it is hereby declared to be the policy of this State that no teaching position be filled by any person whose husband or wife is employed at any institution named in this bill, when the combined monthly salary of the husband and wife exceeds \$200.00. It is hereby declared the duty of the governing board of the various institutions above to apply the provisions of this section from and after the beginning of the biennium of 1931 and 1933.

MOORE.

The amendment was read.

Senator Berkeley sent up the following amendment to the amendment:

Amend amendment by substituting the figures \$300.00 for the figures \$200.00.

BERKELEY.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—19.

Beck.	Patton.
Cousins.	Poage.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodward.
Neal.	Woodul.
Oneal.	

Nays—6.

Berkeley.	Parrish.
Holbrook.	Rawlings.
Hornsby.	Stevenson.

Present—Not Voting.

Small.

Absent.

Cunningham.	Hopkins.
Greer.	Parr.

Absent—Excused.

Purl.

Senator Stevenson moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Berkeley.	Parrish.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Neal.	Woodruff.

Nays—17.

Beck.	Patton.
Cousins.	Poage.
DeBerry.	Pollard.
Hardin.	Russek.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Cunningham.	Greer.
Gainer.	

Absent—Excused.

Purl.

The amendment was adopted.

Senator Poage sent up the following amendment:

Amend Committee Amendment to H. B. No. 508 by reducing all salaries from \$1501.00 to \$2750.00 per year by 5 per cent of the total of such salaries and by reducing all salaries in excess of \$2,750.00 per year by 10 per cent of the total of such salaries and change totals to conform.

POAGE,  
LOY,  
DeBERRY.

The amendment was read.

Senator Beck moved to table the amendment. The motion prevailed by the following vote:

Yeas—24.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays 4.

DeBerry.	Poage.
Loy.	Stevenson.

## Absent.

Cunningham. Greer.

## Absent—Excused.

Purl.

Senator DeBerry sent up the following amendment:

Amend committee amendment to H. B. No. 508, by reducing all salaries from \$1801.00 to \$3000.00 per year by 5 per cent of the total of such salaries and by reducing all salaries in excess of \$3000.00 per year by 10 per cent of the total of such salaries and change total to conform.

DeBERRY.

The amendment was read.

Senator Beck moved to table the amendment. The motion prevailed by the following vote:

## Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

## Nays—3.

DeBerry. Stevenson.  
Poage.

## Absent.

Cunningham.

## Absent—Excused.

Purl.

Senator Small sent up the following amendment:

Amend committee substitute H. B. No. 508 by adding between lines 28 and 29 on page 70, "Stage Curtain for Auditorium, \$1500.00, available 1932."

SMALL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 508 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Purl.

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

## Nays—2.

DeBerry. Poage.

## Absent—Excused.

Purl.

## Conference Committee Report.

Senator Woodward sent up the following Conference Committee Report:

## Committee Room,

Austin, Texas, May 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to consider the dif-

ferences between the two Houses on H. B. No. 1019, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one (1) day from the public fresh waters of Dallas, Henderson and Wise Counties, etc., and declaring an emergency."

Having met and after full and free conference have agreed to make, and do make, the following recommendations, to-wit:

(1) That the Senate recede its amendment, which is as follows:

Amend H. B. No. 1019 by striking out the figure "10" and inserting the figure "12."

And that the bill be finally passed

PURL,  
WOODWARD,  
MOORE,  
WOODRUFF,  
MARTIN,

On the part of the Senate.

KELLER,  
HUGHES,  
MCCOMBS,  
COOMBES,  
SAVAGE,  
HOLDER,

On the part of the House.

Read and adopted by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

#### House Bill No. 116.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 116, A bill to be entitled "An Act to amend Article 3690, of Chapter 29, Title 54, of the Revised

Civil Statutes of 1925, so as to provide that no commissions shall be allowed or received for receiving any cash which was on hand at the time of the death of the testator or intestate, nor for paying out money to the heirs or legatees as such, except upon the equity of mortgaged property in case any of the property of such testator or intestate was mortgaged at the time of his or her death; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read second time.

On motion of Senator Woodward, the bill was laid on the table subject to call.

#### House Bill No. 150.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Elliott:

H. B. No. 150, A bill to be entitled "An Act amending Article 6204, Revised Civil Statutes of 1925, as amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, and amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153, General and Special Laws of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature; and amending Article 6221, Revised Civil Statutes, 1925, as amended by Chapter 5, General Laws of the Second Called Session of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, etc., and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment to committee amendment No. 1:

Amend amendment to H. B. No. 150 by striking out the figures 1912 and inserting the figures 1915.

POAGE.

Read and lost by the following vote:

Yeas—7.

Cousins.	Poage.
Greer.	Thomason.
Loy.	Woodruff.
Oneal.	

## Nays—18.

Berkeley.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Williamson.
Moore.	Woodul.
Parr.	Woodward.

Present.—Not Voting.

Stevenson.

Absent.

Beck.	Hopkins.
Cunningham.	Neal.

Absent—Excused.

Purl.

All committee amendments were adopted.

Senator Cousins sent up the following amendment:

Amend H. B. No. 150, page 2, line 41, by striking out the word and figures 10 and insert therein two.

COUSINS.

The amendment was read.

Senator Small moved to table the amendment. The motion prevailed by the following vote:

## Yeas—18.

Beck.	Parr.
Berkeley.	Parrish.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hardin.	Williamson.
Holbrook.	Woodruff.
Hornsby.	Woodul.
Moore.	Woodward.

## Nays 9.

Cousins.	
Loy.	Patton.
Martin.	Poage.
Neal.	Pollard.
Oneal.	Stevenson.

Absent.

Cunningham.	Thomason.
Hopkins.	

Absent—Excused.

Purl.

Senator Poage sent up the following amendment:

Amend H. B. No. 150 as amended by striking out the figures "1912" wherever they appear and insert in lieu thereof the figures "1914."

POAGE.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 50 by adding at the end of Section 2 the following:

"Soldiers or widows who are over 88 years of age, who have been bona fide citizens of Texas, for one year before the date of their application shall be entitled to pensions under this Act, if otherwise pensionable."

MARTIN.

The amendment was read.

Senator Hornsby moved to table the amendment:

Recess.

Senator Woodul moved to recess until 10 o'clock a. m., tomorrow.

Senator Berkeley moved to recess until 8 o'clock tonight.

Senator Woodruff moved to recess until 9:30 o'clock a. m., tomorrow.

The motion to recess until 10 o'clock prevailed by the following vote:

## Yeas—14.

Cousins.	Martin.
Cunningham.	Oneal.
Gainer.	Parr.
Greer.	Patton.
Holbrook.	Russek.
Hopkins.	Stevenson.
Loy.	Woodul.

## Nays—11.

Berkeley.	Poage.
DeBerry.	Small.
Hardin.	Williamson.
Hornsby.	Woodruff.
Moore.	Woodward.
Neal.	

Absent.

Beck.	Rawlings.
Parrish.	Thomason.
Pollard.	

Absent—Excused.

Purl.

At 5:34 o'clock p. m., the Senate recessed.

## APPENDIX.

## Petitions and Memorials.

Austin, Texas, May 12, 1931.  
Hon. Edgar E. Witt, President of the Senate, and the members of the Senate,

Gentlemen:

From the public press under date of April eighteenth, I learned that the Senate had passed a resolution calling upon this department to "Launch an investigation into a \$570,438.27 delinquency of Texas school districts owing money to the State Permanent School Fund." Some of the accounts, as well as editorial comments thereafter, were a bit misleading as to the wording of the resolution, which, I am sure, was due to a misunderstanding on the part of those responsible for the newspaper items.

Not having been furnished with a copy of the resolution, either before or after it was passed, I have secured the Senate Journal for April eighteenth, and find that the resolution referred to is Simple Resolution No. 111, introduced by Senator Woodward. Briefly stated, this resolution recites that, whereas an unofficial statement of the State Comptroller dated March 20, 1931, disclosed the fact that certain principal and interest on securities held by the permanent school fund, were delinquent, and aggregated the sum of \$570,438.27, which unofficial statement was attached to the resolution;—"Now, therefore, be it resolved that the attention of the Attorney General is hereby called to the condition as disclosed by said report and that he be requested to make official investigation into the matters or things as therein disclosed, with the request that he take such action as may be necessary to bring about the collection thereof to the end that the available school fund may be benefited to the extent thereof."

The "unofficial statement" of the Comptroller attached to the resolution is dated March 20, 1931, nearly a month before the introduction of the resolution. It is in the form of a letter addressed to Senator Woodward, and, after reciting the facts substantially as set out in the resolution, the letter submits the following proposition:

"If it is the duty of the Comptrollers Department to look after the collection of all bonds and interest, I think it should be definitely delegated with power to do so. Article 2671, R. C. S., 1925, seems to place this responsibility upon the State Board."

Evidently the purpose of the Comptroller in writing the letter was to ask the Legislature for sufficient "power" to make these collections if that department was in duty bound to "look after the collection of all bonds and interest." In a conversation with the Comptroller, I have ascertained that such was the purpose of this letter. It is to be noted that specific attention is directed in the letter to the fact that "Article 2671, R. C. S., 1925, seems to place this responsibility upon the State Board" of Education. This statement is correct.

As a part of the resolution, there is set out in the Senate Journal, ten printed pages constituting a list of the school districts and other principals delinquent, and the dates and amounts of same.

Prior to the passage of the resolution this department had neither been consulted about, nor notified of, these alleged delinquencies. Neither the State Board of Education, nor Senator Woodward called our attention to it, in any manner whatsoever, until the introduction of this resolution; but, pursuant to the resolution, we have been glad to make such investigation as time has permitted since reading about in the papers. At a result of this tentative investigation, you are respectfully advised as follows:

From a simple examination of the lists set out in the Senate Journal, on pages 1071 to 1080 inclusive, it will readily be observed that the great majority of these supposed delinquencies matured in the Fall of 1930, shortly before the writer qualified as Attorney General. Some of the dates, however, go back for several years.

The list attached to the resolution also discloses on its face, as shown at page 1078 of the Senate Journal, that \$80,000.00 of the \$280,415.66 stated to be past due interest on bonds, is due as interest on an item labeled "Texas State Penitentiary." Evidently this sum of \$80,000.00 in interest is due by

the State of Texas to the permanent school fund; and, of course, the only agency which could collect this for the permanent school fund would be the State Legislature by appropriation.

In connection with this list of delinquencies attached to the resolution, I respectfully call your attention to a statement made in the audit of the Comptroller, referred to in his letter addressed to Senator Woodward. The State Comptroller tells me that he furnished the Senate with a copy of this audit, which is dated February 12, 1931, and is supposed to reflect conditions at the close of business January 15, 1931. On page two of this audit, the following statement is made with reference to the item of eighty thousand dollars interest last above referred to:

"State of Texas Railroad Bonds in the amount of \$100,000.00, due August 15, 1929. It is improbable that the earnings from this road will ever be sufficient to permit the creation of a sinking fund for the retirement of these bonds, and it appears to us that the Legislature should make some other provision for their payment. At least an annual appropriation should be made to care for the interest which is sixteen years in arrears and amounts to \$80,000.00."

A further investigation by this department discloses that no appropriation has been made by the Legislature to take care of this interest since 1915.

Again, according to the resolution, at page 1078 to 1080 of the Senate Journal, a total of \$290,022.50 represents the amount past due upon the principal of bonds belonging to the permanent school fund. However, by a simple examination of that part of the table appearing on page 1080, it is disclosed that \$100,000.00 of this amount represents penitentiary railway bonds of the State of Texas, issued in 1909 and past due since August 15, 1929; that \$81,000.00 represents manuscript bonds of the State of Texas issued in 1890 and due since November 11, 1920; that items of \$11,000.00, \$8,000.00 and \$7,500.00 respectively, represent manuscript bonds of the State of Texas issued in 1891 and delinquent since 1921. Thus it will be noted

that of this sum of \$290,022.50 alleged to be past due on bonds, \$207,500.00 of same are delinquent bonds of the State of Texas, to take care of which the Legislature is the only agency. Added to this \$207,500.00 the interest item of \$80,000.00 due by the State, we find that \$287,500.00 according to the resolution itself is owed to the permanent school fund by the State; in other words, out of the more than \$500,000.00 "delinquencies of Texas School districts owing money to the State permanent school fund"—(as set out in the newspapers)—52% thereof is owing by the State.

The State Comptroller is correct in his statement that under Article 2671, R. C. S., 1925, collections out of these items seem to be placed upon the State Board of Education. I do not mean by this to say they have been in any sense inattentive to their duties; and I am sure the Comptroller did not mean to intimate it in his letter. On the contrary, I find from a conversation with Mr. Rice, of the State Treasurer's Department, that the State Treasury has in the past attempted the collection of these delinquent items and that in most instances, they have been successful in making these collections in a shorter time than could be accomplished by a lawsuit. While the State Board has not requested us to bring any suits or to demand payment of any of these items, I assure you that this department stands ready to institute, upon request, whatever proceedings are necessary in order to collect delinquencies. I find, however, that in the past no suit has been instituted by any Attorney General for the collection of either the principal or interest on these bonds; and I do not know whether such action has ever been requested by the State Board, or any other agency. I am sure that you gentlemen will appreciate that we have been quite busy during the four months we have been in this office.

Mr. Rice tells me that since the audit was made by the State Comptroller as of January 15, 1921, his department has collected many of the items alleged to be delinquent in the table attached to the resolution. He states that they have a great volume of work attending to these collections, as for instance,

during the month of April, they collected more than one million dollars for the permanent school fund.

Trusting this preliminary report will be of some assistance to the Senate and assuring you of our desire to discharge every duty which is now, or may be hereafter delegated to this department, I am

Sincerely yours.

JAMES V. ALLRED,  
Attorney General of Texas.

#### **Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 72 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### **Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 177 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 537 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 12, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 624 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### **Committee Reports.**

Committee Room,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 508, A bill to be entitled "An Act making appropriations to pay the salaries of officers, teachers

and employees of certain educational institutions and other expenses of maintaining, operating and conducting them, as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System, The Extension Service, Rodent Control Service and The State Forestry Department of The Agricultural and Mechanical College; North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View Normal and Industrial College; University of Texas, including The Extra Murals Division, The Medical Branch at Galveston and The College of Mines and Metallurgy at El Paso, of The University of Texas; College of Industrial Arts; Texas Technological College; East Texas State Teachers' College at Commerce; North Texas State Teachers' College at Denton; Sam Houston State Teachers' College at Huntsville; Stephen F. Austin State Teachers' College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest State Teachers' College at San Marcos; Sul Ross State Teachers' College at Alpine; West Texas State Teachers' College at Canyon; Texas School for the Blind, and Texas School for the Deaf; for the years beginning September 1, 1931, and ending August 31, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment. The committee Amendment being committee substitute for S. B. No. 245, and that it be not printed for the reason that committee substitute bill has been printed.

BECK, Chairman.

#### **Committee Amendment.**

Amend House Bill No. 508 by striking out all after the enacting clause, and substituting in lieu thereof the Senate Committee Substitute Bill No. 245, beginning with Section 1 of said substitute.

Committee Room,  
Austin, Texas, May 13, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 856, A bill to be entitled "An Act amending Articles 2702, 2703 and 2724 of the Revised Statutes of Texas, 1925, relating to the County Unit System of Education; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend H. B. No. 856 by striking out in Section 1 the following:

"Separate elections shall be held in the Independent School District as one unit and in the remainder of the county as another unit, and it shall require a majority vote in each of the units herein provided before consideration shall be ordered by the Commissioners' court, which is hereby constituted as the canvassing board of these two elections, which elections must be held on the same day."

And insert in lieu thereof the following:

Separate elections shall be held in each commissioner's precinct in the county, and it shall require a majority vote in each such commissioners' precinct, before the consolidation may be ordered by the commissioners' court. And the commissioners' court is hereby constituted the canvassing board for each of such precincts and the elections therein. Said elections shall be held on the same day."

And be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1007, A bill to be entitled "An Act regulating the taking of fish in El Paso County; prescribing a penalty and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1028, A bill to be entitled "An Act authorizing the commissioners' courts of counties having not less than thirty-six hundred ninety (3690) and not more than four thousand (4,000) inhabitants according to the last available Federal census, to appropriate and expend a sum not exceeding seventy-five hundred (\$7500.00) dollars to be used over a period of five (5) years for exterminating predatory animals, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

**Proposed Substitute for Committee Substitute to H. B. No. 251.**

Ordered printed in the Journal on motion of Senator Small.

By Small, Hornsby, Williamson, Gainer, Stevenson, Woodul, Woodward.

Amendment No. 1.

Amend H. B. No. 251 by striking out all below the enacting clause and by substituting in lieu thereof the following:

"Section 1. That Subdivisions 4, 6, 7, 8, 9, 10, 12, 15, 23, 24, 25, 26, 27, 31, 32, 35 and 37, of Article 7047, of the Revised Civil Statutes of 1925, be amended so as to hereafter read as follows, and that Subdivisions 40, 41 and 42 be added thereto, so that said subdivisions shall hereafter read as follows:

"Subdivision 4. (a) There shall be collected from peddlers an occupation or license tax from each according to the population of the counties in which he peddles, according to the last Federal Census, as follows:

From foot peddlers, which shall include those on horseback; animal drawn vehicles, which shall include all vehicles except motor vehicles; from peddlers on or from motor vehicles, the following tax:

Population	Animal	Motor
	Foot Vehicle	Vehicle
1-30,000	\$ 5.00	\$ 7.50
30,001-100,000	10.00	17.50
100,001 and over	15.00	22.50

(b) Every peddler defined above shall pay said tax annually on or

before September 1st of each year to the Tax Collector of each County in which he peddles, and a receipt shall be issued therefor, and said in the same manner that license plates are issued for motor vehicles and the same fees of office shall be allowed said Collector; which said plate shall be securely fastened to said peddler's vehicle, on the driver's side. A separate tax shall be paid for each vehicle or instrumentality defined above which said peddler operates and peddles from, and the Comptroller shall adopt rules and regulations for the enforcement hereof. Nothing herein shall be construed to inhibit any city or town regulating, licensing or taxing peddlers.

(c) The term 'peddler' as used herein means an itinerant trader or peddler in town or in country who carries his merchandise or commodities with him from place to place or from house to house, exposing his or his principal's goods or wares for sale, and who then and there sells and delivers them to other persons or dealers; provided, however, that the term 'peddler' shall not be held to include:

(1) Producers and growers of farm, dairy, poultry, poultry products, fruits, vegetables, live stock, animals, meats, or any horticultural or agricultural products, or,

(2) Persons who sell any of the products mentioned in the section immediately preceding to manufacturers, processors, or curing or dressing plants, or,

(3) Peddlers of literature, newspapers and periodicals, or,

(4) Manufacturers selling products manufactured by them.

(d) If any peddler shall:

(1) Knowingly sell any goods or products which are deteriorated, contaminated, infected, or otherwise unfit for human consumption or use, if the same be a food product, or otherwise unfit for the purpose for which the same is sold, or,

(2) Sell any goods or products of less weight than the same are represented to be, or that are paid for, or, which have been stolen, or,

(3) Be convicted during any year of twice violating any ordinance or State law regulating the operation or use of any such vehicle upon the highways of this State, or the viola-

tion of any health or sanitary ordinance or statute in peddling or,

(4) Knowingly give a worthless check to or otherwise swindle any farmer or other producer or person from whom he purchases, and the giving of any worthless check shall be prima facie evidence of his knowledge of the worthlessness thereof, the license of said peddler shall be forfeited upon ten (10) days' written notice by registered mail to the address given by said peddler by the Comptroller, or County Tax Collector, upon a hearing whereat it is proven that it is established that said peddler has violated any one of the foregoing provisions; provided that said forfeiture shall not become effective until three (3) days after notice by said Collector that the same will be forfeited, and, if the same is sought to be wrongfully forfeited, the same may be enjoined by a competent court of equity, and said license or tax receipt and plate shall be surrendered, or re-possessed by any peace officer or patrolman. The County and District Attorney shall enforce the provisions hereof. The sum of \$2500.00, or so much as is necessary, is hereby appropriated out of said funds to the Comptroller for plates, stationery, and other necessary expenses.

(e) If any person for himself or as representative or agent of another shall act as a peddler, as defined herein, without having valid license and having paid the tax as provided herein, he shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding One Hundred (\$100.00) Dollars, or by confinement in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment, and the County or District Attorney, or Attorney General, may enjoin any such person from peddling in violation of the provisions hereof."

"6. Auctioneers.—From every auctioneer, an annual tax of Fifty (\$50.00) Dollars.

"7. Brokers.—Stocks and Bonds.—From every person, firm, association or persons, or corporations, dealing in bonds, the sum of Fifty (\$50.00) Dollars for each town or city in which such person, firm, association or corporation maintains an office. For the purpose of this Act, every person, firm, association of

persons, or corporation whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coin, money, bank notes, promissory notes, produce or merchandise, or anything else for sale, for others, shall be regarded as a broker.

"8. Brokers—Cotton and Cotton Factors.—From every person, firm, association of persons, or corporation following the business or occupation of a cotton broker and/or cotton factor, an annual tax of Fifteen (\$15.00) Dollars in all towns or cities whose population does not exceed twenty-five thousand (25,000) inhabitants; and in all cities whose population exceed twenty-five thousand (25,000) inhabitants, an annual tax of Twenty-five (\$25.00) Dollars.

"12. Brokers—Merchandise and Commission Merchants.—From every person, firm, association of persons, or corporation, following the business or occupation of merchandise broker and/or commission merchant, either at wholesale or retail, in cities or towns of twenty-five thousand (25,000) or less population, an annual tax of Fifteen (\$15.00) Dollars; and in cities of more than twenty-five thousand (25,000) population an annual tax of Twenty-five (\$25.00) Dollars. A commission merchant in the meaning of this Act is every person, firm, association of persons, or corporation, receiving country produce, horses, cattle, sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold and charging a commission therefor. The provision of this Section shall not be construed as taxing traveling salesmen.

"9. Ship brokers.—Every person, firm, association of persons or corporation engaged in the management of business matters occurring between the owners of vessels and the shippers, or consignors of the freight which they carry, shall be deemed a ship broker for the purpose of this Act. Every ship broker shall pay an annual tax of Twenty-five (\$25.00) Dollars.

"10. (a) Insurance Adjusters.—From every insurance adjuster, who adjusts insurance losses, whether employed by an insurance company, or companies, or by an adjustment bureau, or by the insured whether a

member of a firm, association of persons, or whether an agent or officer of such firm, association, or of any corporation, whether the charge therefor be paid by the insured or the insurer, and annual tax of Fifty (\$50.00) Dollars.

(b) General and Special Agents. From each and every person acting as a general or special agent of every insurance company that may transact any insurance business in this State, and annual occupation tax of Twenty-five (\$25.00) Dollars. By 'general agent' as used herein, is meant any person, whether a member of a firm or association, or as representative or employee, who may exercise a general supervision over the business of any insurance company in this State, or over local agencies of such insurance companies, or any person supervising such business, or any part thereof, as contradistinguished from a local agent or local agency. By 'special agent' as used herein, is meant any person, whether a member of a firm or association, or as representative or employee, who may exercise supervision in any executive capacity, other than of an officer of such company, over the business of any insurance company in this State, or over the adjustment of losses or the placing or risks. But one payment of the annual occupation tax herein imposed shall be required of any one person under this subdivision.

"15. Money Lenders. — From every person, firm, association of persons, or corporation whose business is lending money as agent or agents for any corporation, firm or association, either in this State or out of it, an annual tax of One Hundred Fifty (\$150.00) Dollars. Provided, that if an office is maintained in more than one county, the State tax shall be payable in each county where an office is maintained; and, provided, further, that this Tax shall not apply to persons, firms, or associations who lend money as an incident merely to the real estate business, nor shall said tax apply to banks, or banking institutions regularly organized as such.

"24. Circus and Shows.—From every person, firm, association of persons or corporation exhibiting performances such as a circus, menagerie, wild west show, dog and/or pony show wherein broncho busting,

rough riding, equestrian or acrobatic feats are performed, or any other show, exhibition or performance similar thereto, or any combination of any of the foregoing, for which admission fee is demanded or received for each day or part thereof on which performances or exhibitions are given, the following amount, respectively:

"(a) Where such shows and/or exhibitions travel on railroads and require transportation of:

	Each day.
Not more than two (2) cars.....	\$ 25.00
Three (3) to five (5) cars, inclusive .....	40.00
Six (6) to ten (10) cars, inclusive .....	55.00
Eleven (11) to twenty (20) cars, inclusive .....	75.00
Twenty-one (21) to thirty (30) cars, inclusive.....	100.00
Thirty-one (31) cars and over .....	225.00

"(b) Where such shows and/or exhibitions travel by automobile trucks, or other conveyances, and require transportation of:

	Each day.
Not over two (2) loads.....	\$10.00
Three (3) to five (5) loads, inclusive.....	15.00
Six (6) to ten (10) loads, in- clusive .....	20.00
Eleven (11) to twenty (20) loads, inclusive .....	25.00
Twenty-one (21) to thirty- five (35) loads, inclusive....	35.00
Thirty-six (36) to fifty (50) loads, inclusive .....	50.00
Over fifty (50) loads, per load in excess thereof .....	2.00

Every show or exhibition which advertises itself as being any of those described in this Section shall be held to be such for the purpose of levying and collecting the occupation tax herein provided.

"25. (a) Menageries, Museum.—From every menagerie, waxworks, sideshow, or exhibition connected with or exhibiting or showing in connection with a circus where a separate fee for admission is demanded or received Ten (\$10.00) Dollars for every day in which fees for admission are received; provided, that from any museum, menagerie, or zoological exhibition or combination thereof operated and maintained in

any city or town and open for admission all day continuously, in which a charge for admission is demanded or received, an annual tax of Fifty (\$50.00) Dollars.

(b) Carnivals.—From every carnival, an annual tax of One Hundred (\$100.00) Dollars, which State Tax shall be due and payable in each and every county in which such carnival shows or exhibits.

"26. Waxworks, etc.—From every menagerie, waxworks exhibition, exhibit or display of any kind where a separate fee for admission is demanded or received, not connected with a theatre or circus, Two (\$2.00) Dollars for every day on which fees for such admission are received.

"27. Wrestling Matches and Acrobatic Performances.—From every exhibition of a wrestling match or matches and every exhibition where other acrobatic feats are performed and an admission fee is charged or received, not connected with a circus and an admission fee is charged or or theatre, Ten (\$10.00) Dollars for each performance.

"31. Rodeos.—From every rodeo exhibition wherein broncho busting, rough riding, equestrian, acrobatic feats and roping contests are performed or exhibited for which an admission fee is charged or received, a tax of Ten (\$10.00) Dollars for each day or part thereof such rodeo is held or exhibited. This shall not apply to rodeos owned by private individuals and used only for training purposes in connection with agriculture fairs and exhibitions.

"23 Coin Operated Vending Machines.—From every owner, manager, or exhibitor of every coin operated phonograph, electrical piano, electrical battery, graphophone, weighing machines, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track, stereoscopic machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine, or any other class or kind of machine, whether enumerated or not, where a fee is charged, which is used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections, or service of any kind and which is operated by coins or metal slugs or tokens similar to coins, where

such fee is in excess of Five (5) Cents, an annual tax of Ten (\$10.00) Dollars, on each machine; where such fee is Five (5) Cents, an annual tax of Five (\$5.00) Dollars, on each machine; and where such fee is One (1) Cent, an annual occupation tax of One (\$1.00) Dollar for each machine; provided that the provisions of this subdivision shall not apply to pay telephones and gas meters which are operated with coins. It shall be unlawful to operate, show or exhibit any of the machines or instruments covered by this subdivision without having annexed or attached thereto where same is plainly visible, the tax receipt covering such machine or instrument for the current year for which same is operated, shown or exhibited.

"32. Baseball Parks. From every owner or lessee of a baseball park where admission fees are charged in cities or towns of less than ten thousand (10,000) inhabitants, or within five (5) miles thereof, an annual tax of Ten (\$10.00) Dollars; in cities or towns of ten thousand (10,000) and less than twenty-five thousand (25,000) inhabitants, or within five (5) miles thereof, an annual tax of Twenty-five (\$25.00) Dollars; in cities or towns of twenty-five thousand (25,000) inhabitants and less than fifty thousand (50,000) or within five (5) miles thereof, an annual tax of Fifty (\$50.00) Dollars; in cities or towns of fifty thousand (50,000) inhabitants, or more, or within five (5) miles of any such city or town, an annual tax of One Hundred (\$100.00) Dollars; provided, that this schedule shall not apply to baseball parks owned or maintained in good faith by educational institutions located in this State.

"35. Shooting Gallery. From every person, firm association of persons or corporation keeping a shooting gallery at which a fee is paid or demanded, an annual tax of Thirty (\$30.00) Dollars.

"37. (a) Hobby Horses, etc. From all persons keeping or using for profit any hobby horse, flying jenny, or other device of that character, with or without name, an annual tax of Twenty-five (\$25.00) Dollars.

(b) From every person, firm, association or corporation engaged

in the occupation of collecting any charge, license fee, fare, rate or royalty on any record, composition, sheet music, musical composition, production or publication, or performing any composition by or through any radio distribution, or reception where such radio distribution or reception is charged for on a basis of distribution or reception within this State, or where a copy of such record, composition, production or publication has been sold at retail to any person from whom such a charge, license fee, fare, rate or royalty on any record, composition, a sum equivalent to twenty-five (25%) per cent of the amount of the charge, license fee, fare, or rate or royalty so collected and counties and incorporated cities or towns in which such payer resides shall have the power to levy a tax of one-half the amount herein provided in addition to the above tax.

"40. All receipts issued to cover payment of occupation taxes herein provided, where issued to cover a place of business, shall be kept posted by the person to whom issued in a conspicuous place in said place of business so as to be subject to inspection at all times by State and County authorities. Those receipts issued to cover coin-operated vending machines or instruments shall be kept on, annexed or attached to such machines or instruments.

"41. Whoever shall pursue or follow any occupation, calling or profession or do any act taxed by law, or exhibit any machine or instrument, for which a tax is required to be paid, without exhibiting and displaying the tax receipt issued to him in the manner provided in this Act shall be guilty of a misdemeanor and upon conviction, fined in any sum not exceeding Fifty (\$50.00) Dollars.

"42. If any person licensed under this Act shall purchase from any **farmer or other producer** of any of the commodities or other country produce described in Subdivision 4, Section 1, hereof, and give in payment thereof a check or draft or other written order intended to be in payment of any such commodities, which said check, draft, or written order intended to be in payment of any of such commodities is not promptly paid on presentation there-

of in due course, the giver thereof shall forfeit the license as provided for herein and shall not be entitled to receive another license for one year after the giving of such check, draft, or other written order intended to be in payment of such commodities.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. In the event any section, subdivision, or part of this Act shall be declared invalid or unconstitutional for any reason, it shall not affect or invalidate any other part of the Act.

Sec. 4. The fact that some sections of our present occupation tax laws contain errors, and some are vague and indefinite, and that there is need that certain sections and parts of the occupation tax laws be properly defined and clarified, and that the antiquated sections be reformed to the end that proper levy of taxes be made and collections be properly enforced, and the fact that itinerant peddlers, many of whom are non-residents of this State, are establishing themselves in direct competition to local merchants, farmers, and producers who pay and who warrant their goods and products, whereas, such peddlers pay no taxes and are usually transients who sell an inferior quality of fruits and other products to the consumer or retailer, whereas, no recourse may be held by such person upon whom the fraud is perpetuated; the fact that many peddlers are swindling farmers and other innocent persons by giving worthless checks for such goods and products; the fact that such professional peddlers are constantly violating traffic regulations, fire regulations, and sanitary regulations; the fact that the present regulation of peddlers is obsolete, and the fact that the Federal Government regulates other peddlers similar to those attempted to be regulated by this bill creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

## SIXTY-NINTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas, May 14, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

### Motion to Concur.

Senator Rawlings moved to concur in the House amendment to S. B. No. 617. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

### Bill Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Beck:

S. B. No. 626, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated to supplement appropriations heretofore made for the Judiciary Division of the State Comptroller's Department for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Read and referred to Committee on Finance.